

REMARKS

Claims 1 and 8 are pending in the above referenced patent application and have been rejected by the Examiner. Claim 1 has been amended to recite that the T-shaped slots extend completely through at least one surface defined by said first and second connecting members. Such amendment is supported by the specification and the drawings, accordingly, no new matter has been added.

In the Office Action, the Examiner has rejected claims 1 and 8 under 35 U.S.C. §102 as being anticipated by United States Patent No. 5,971,187 to Clee et al. The '187 reference is directed to a hinge that pivotally connects two side wall panels for use as a collapsible container. The hinge has a first leaf hingedly joined to a second leaf. The first leaf and second leaf each have a pair of spaced prehensile panels for receiving an edge of a side wall panel. The prehensile panels have a plurality of inwardly extending tabs. An internal clip is sized to extend through an aperture along the edge of each of the side wall panels. The internal clip engages the tabs interconnecting the spaced prehensile panels and attaches the first leaf and the second leaf to an edge of each of the two side wall panels. For your reference and convenience, FIGS. 2-6 of the '187 reference are reproduced below.

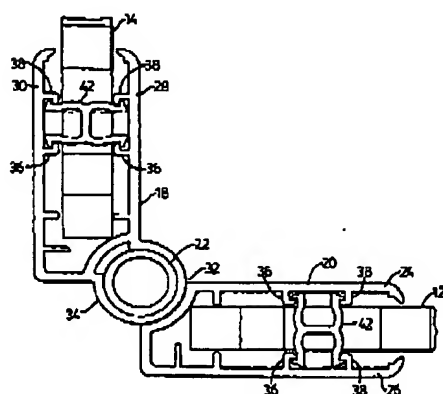


FIG. 2

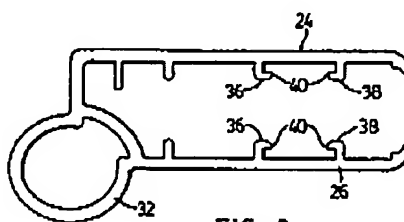
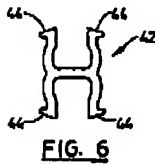
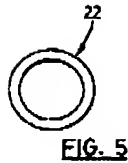
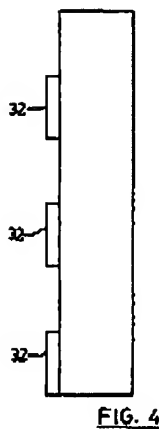


FIG. 3



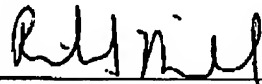
As an initial matter, the invention disclosed in the '187 patent is directed to a hinge for use in forming a box. Such a hinge would not be applicable to use with foundation forms. These forms are typically massive and must withstand the rigors of harsh treatment and harsh weather. They also must hold up against the force of tons of concrete poured between the forms. Accordingly, a person skilled in the installation of foundations would not look to hinges used to make containers collapsible for guidance. In fact such a reference would in all likelihood be immediately dismissed as being too flimsy and ill-suited to the application of forming a concrete foundation.

Unlike the invention recited in claim 1 of the instant patent application, the '187 patent does not disclose T-shaped slots extending completely through at least one surface of said first and second connecting members. Instead, the '187 patent discloses a hinge which pivotally connects two side wall panels for use as a collapsible container. The hinge has a first leaf hinged to a second leaf. The first leaf and second leaf each has a pair of spaced prehensile panels for receiving an edge of a panel in a sandwich-like condition. The panels each have a plurality of inwardly extending tabs. An H-shaped clip is sized to extend through an aperture along the edge of each of the side wall panels. The H-shaped clip engages the tabs interconnecting the spaced prehensile panels and internally attaches the first leaf and the second leaf to an edge of adjacent side wall panels. Nowhere does the '187 patent even remotely suggest a T-Shaped slot extending completely through at least one surface of a connecting member. For at least this reason,

the Applicant respectfully submits that claim 1 is not anticipated by the '187 reference and reconsideration of the Examiner's rejection is requested.

Based on the foregoing, Applicant contends that claim 1 of the instant application is in condition for allowance. Since claim 8 depends from claim 1, it too is allowable. Should any matter remain unresolved upon entry of this response, Applicant requests that the Examiner contact Applicant's representative at the number listed below. While no fees are believed to be due with this response, please charge any deficiencies in fees to deposit account number 503342.

Respectfully submitted,

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